

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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| In re: W.R. GRACE & CO., <i>et al.</i>, Debtors. | § § § § § § | Chapter 11 Jointly Administered Case No. 01-01139 (JKF) |
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**FEE AUDITOR'S FINAL REPORT REGARDING EIGHTEENTH¹ INTERIM
FEE APPLICATION OF ANDERSON KILL & OLICK, P.C., FOR THE
PERIOD OF OCTOBER 1, 2009 THROUGH DECEMBER 31, 2009**

This is the final report of Warren H. Smith & Associates, P.C., acting in its capacity as fee auditor in the above-captioned bankruptcy proceedings, regarding the Eighteenth Interim Fee Application of Anderson Kill & Olick, P.C., for the Period of October 1, 2009 through December 31, 2009 (the "Application").

BACKGROUND

1. Anderson Kill & Olick, P.C. ("AKO"), was retained as special insurance counsel to the Official Committee of Asbestos Personal Injury Claimants. In the Application, AKO seeks approval of fees totaling \$632,543.50 and expenses totaling \$8,688.60 for its services from October 1, 2009 through December 31, 2009 (the "Thirty-Fifth Interim Fee Period").

2. In conducting this audit and reaching the conclusions and recommendations contained herein, we reviewed in detail the Application in its entirety, including each of the time and expense entries included in the exhibits to the Application, for compliance with 11 U.S.C. § 330, Local Rule 2016-2 of the Local Rules of the United States Bankruptcy Court for the District of

¹Although AKO has entitled this Application its "Eighteenth Interim," it covers the Thirty-Fifth Interim Fee Period.

Delaware, Effective December 1, 2009, and the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. §330, Issued January 30, 1996 (the "U.S. Trustee Guidelines"), as well as for consistency with precedent established in the United States Bankruptcy Court for the District of Delaware, the United States District Court for the District of Delaware, and the Third Circuit Court of Appeals. Based on our review, we sent to AKO an e-mail inquiry, and received a response from AKO, portions of which response are quoted herein.

DISCUSSION

3. In our initial report, we noted the following time entry in which there is a discrepancy between the total time billed and the time recorded in parentheses:

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|------------------------------|---|-----|------|----------|
| 11/05/09 | Attention to settlement negotiations (2.30). Extensive discussions with insurance company counsel (2.40). Confer with client (.60). | RMH | 5.70 | 4,816.50 |
| <i>Actual time and fees:</i> | | | 5.30 | 4,478.50 |
| <i>Overcharge:</i> | | | 0.40 | 338.00 |


Thus, we asked AKO whether it agreed that a fee reduction was warranted, and AKO responded: "The 5.7 hours of recorded time was a clerical error. We agree that there should be a fee reduction to reflect 5.3 hours instead of 5.7 hours." We appreciate AKO's response and recommend a reduction of \$338.00 in fees.

CONCLUSION

4. Thus, we recommend approval of \$632,205.50 in fees (\$632,543.50 minus \$338.00) and \$8,688.60 in expenses for AKO's services for the Thirty-Fifth Interim Fee Period.

Respectfully submitted,

WARREN H. SMITH & ASSOCIATES, P.C.


By: 
Warren H. Smith
Texas State Bar No. 18757050

325 N. St. Paul Street, Suite 1250
Dallas, Texas 75201
214-698-3868
214-722-0081 (fax)
whsmith@whsmithlaw.com

FEE AUDITOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served by First Class United States mail to the attached service list on this 9th day of April, 2010.


Warren H. Smith

SERVICE LIST

Notice Parties

The Applicant

Robert Y. Chung
ANDERSON KILL & OLICK, P.C.
1251 Avenue of the Americas
New York, NY 10020-1182

The Debtors

Richard Finke.
Assistant General Counsel
W.R. Grace & Co.
7500 Grace Drive
Columbia, MD 21044

Counsel for the Debtors

Deanna Boll
Holly Bull
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, IL 60601

Laura Davis Jones, Esq.
James E. O'Neill
Pachulski Stang Ziehl & Jones LLP
919 North Market Street, 17th Floor
P.O. Box 8705
Wilmington, DE 19899-8705

Counsel for the Official Committee of Unsecured Creditors

Lewis Kruger, Esq
Stroock & Stroock & Lavan
180 Maiden Lane
New York, NY 10038-4982

Michael R. Lastowski, Esq.
Duane Morris LLP
1100 N. Market Street, Suite 1200
Wilmington, De 19801-1246

Counsel to the Official Committee of Property Damage Claimants

Scott L. Baena, Esq
Bilzin, Sumberg, Dunn, Baena, Price & Axelrod
First Union Financial Center
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131

Michael B. Joseph, Esq.
Ferry & Joseph, P.A.
824 Market Street, Suite 904
Wilmington, DE 19801

Counsel to the Official Committee of Personal Injury Claimants

Elihu Inselbuch, Esq.
Caplin & Drysdale
375 Park Avenue, 35th Floor
New York, NY 10152-3500

Marla R. Eskin
Campbell & Levine, LLC
Suite 300
800 N. King Street
Wilmington, DE 19801

Official Committee of Equity Holders

Gary M. Becker
Kramer Levin Naftalis & Frankel
1177 Avenue of the Americas
New York, NY 10036

Teresa K.D. Currier, Esq.
SAUL EWING LLP
222 Delaware Avenue
P.O. Box 1266
Wilmington, DE 19899

United States Trustee

David Klauder
Office of the United States Trustee
844 King Street, Lockbox 35, Room 2207
Wilmington, DE 19801